87-1202

Supreme Court, U.S.
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In The

Supreme Court of the United States

October Term, 1987

No. ----------

HUTTER NORTHERN TRUST, et al.,

Petitioner,

v.

CITY OF CHICAGO, et al.,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

JOHN A. HUTTER, PRO SE
110 25 Street Drive Southeast
Cedar Rapids, Iowa 51403
Counsel for Petitioner

PLAINTIFFS

Hutter Northern Trust
whose beneficiaries are:

Marian C. Owen
Cedar Rapids, Iowa

Robert G. Coy
Antioch, Illinois

Gregory L. Coy
Bolingbrook, Illinois

Ronald O. Coy
Palatine, Illinois

Deborah L. Gems
Columbia, Maryland

John Nelson
Delavan, Wisconsin

Russell Nelson
Hartland, Wisconsin

Lucille Dohn Reifler
Rahway, New Jersey

DEFENDANTS

City of Chicago, a
Municipal Corporation

State of Illinois

County of Cook

Corporation Counsel of
City of Chicago
121 North LaSalle Street
Chicago, Illinois 60601

Building Commissioner of
City of Chicago
121 North LaSalle Street
Chicago, Illinois 60601

State's Attorney

John Haderlein & Sons
3049 North Ashland Avenue
Chicago, Illinois 60657

Alderman Eugene Schulter
1951 West Lawrence Avenue
Chicago, Illinois 60640

Kim Barnes
3536 North Marshfield Avenue
Chicago, Illinois 60657

Sharon Weisenmayer
% Alderman E. Schulter - 45th
1951 West Lawrence Avenue
Chicago, Illinois 60640

Howard Harris
154 West Hubbard Street
Chicago, Illinois 60610

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PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

The petitioner, Hutter Northern Trust, prays that a writ of certiorari issue to review the opinion and judgment of the Seventh Circuit Court of Appeals of the United States rendered in these proceedings on September 8, 1987.

OPINIONS BELOW

The United States District Court for the Northern District of Illinois is as follows:

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 87-1831

Hutter Northern Trust, et al.,

Appellant,

-versus-

City of Chicago, et al.,

Appellee.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division. Harry D. Leinenweber, Judge.

Argued: August 27, 1987. Decided: September 8, 1987.

Before BAUER, Chief Judge, POSNER and FLAUM, Circuit Judges.

This matter comes before the court for its consideration of the following documents:

1. "MOTION TO DISMISS APPEAL" filed herein on August 27, 1987 by counsel for the defendant-appellee.

2. "BRIEF OF APPELLANT JOHN HUTTER, et al." filed herein on August 21, 1987.

QUESTIONS PRESENTED

Is it true that when a unit of government like the city of Chicago is involved in conflict with a citizen or resident or property owner, protection of our constitutional and civil rights do not apply and will not be defended by any municipal courts, U.S. district courts or the Court of Appeals for the Seventh Circuit?

For fifty years the city of Chicago building courts have harassed John Hutter and his Hutter Northern Trust and have carried out the threat of assistant corporation counsel, McGraw, that he did not like the new Gargoyles apartment building in his neighborhood and was determined to destroy it.

In our brief is a list of cases in all courts including the Supreme Court which gave no relief.

We concentrate on the last and final assault of Judge Rosenblum who sent a six hour receiver who told the tenants of the Gargoyles that the building was going to be shut down and they should pay no rent to Hutter.

Later he told Hutter he should appoint Mr. Keenan, the six hour receiver, agent for his building.

Later when Hutter told him in court that he did not appoint Keenan, he put Hutter in jail.

Following that, the building was shut down and Hutter was no longer allowed to use his apartment.

Defendant Judge Yates of the county court gave Mr. Harris, also receiver who had a $5,000.00 delinquent tax claim, title to the building for seventy thousand dollars.

Is it true that no court will protect the civil rights of John Hutter? All defendants listed have been served three copies each by certified mail. Attached here is the order of dismissal by the district court.

ORDER OF DISTRICT COURT

This cause is before the court on the motion of the defendants, the city of Chicago, Sharon Weisenmayer, and Kim Barnes to dismiss the plaintiff's complaint. For the reasons stated herein, plaintiff's complaint is hereby dismissed.

The complaint in this case was filed pro se by John A. Hutter, an attorney. The complaint alleges a series of incidents which Mr. Hutter claims amount to a deprivation of his civil rights. Mr. Hutter believes that an investigation similar to the "Greylord" investigation would be "just as fruitful" if it were conducted on the building courts and the Appellate Court of Illinois (complaint at p. 2) He indicates on the last page of his complaint that he will provide a Treasury Bill in the amount of $95,000.00 to be held in escrow for the state of Illinois until this litigation is concluded. The complaint is in narrative form and incorporates several newspaper articles and personal letters. The complaint does not specify the jurisdictional basis of Mr. Hutter's claim other than to indicate that he believes that his civil rights were violated.

At a recent motion call this court granted the county of Cook's motion to dismiss because it was named in the caption of the complaint but was not alleged to have been involved in any of the incidents referred to in the complaint. An attorney has appeared in court on behalf of Mr. Hutter. However, the attorney has not filed a formal appearance. This court informed the attorney that the defendants in this action could not answer the complaint because it does not fairly place them on notice of the substance of plaintiff's claims and does not comply with the Federal Rules of Civil Procedure. The attorney was warned that if he failed to file an amended complaint that the court would have no alternative but to grant the motion of any party who sought to be dismissed. No amended complaint was ever filed. Because the complaint is deficient with respect to all potential defendants, it is dismissed in its entirety sua sponte.

IT IS SO ORDERED

Appellant's brief completely fails to conform to numerous specific provisions of Federal Rule of Appellate Procedure 28, including Rule 28(a)(4), which requires that briefs include "an argument" that contains "the contentions of the appellant with respect to the issues presented, and the reasons therefore, with citations to the authorities, statutes and parts of the record relied on." Even considering appellant's *pro se* status, we are unable to discern the nature of his argument or to imagine how appellees can formulate a response. Accordingly,

IT IS ORDERED that the "MOTION TO DISMISS APPEAL" is GRANTED and this appeal is DISMISSED for failure to prosecute.

District Court. This case was originally filed in the United States District Court for the Northern District of Illinois, Judge Leinenweber presiding.

It was dismissed without notifying John Hutter, the only attorney of record.

It was later refiled. It was then dismissed without allowing attorney, John Hutter, to testify in court.

JURISDICTION

This Court's jurisdiction is invoked under 28 U.S.C. Section 1254(1) to review the opinion and order of the Seventh Circuit Court of Appeals entered on May 12, 1976, rehearing denied June 7, 1976.

QUESTIONS PRESENTED

Whether the Seventh Circuit has decided an important question in a way that is in conflict with the Supreme Court of the United States and the civil and other rights of attorney

John A. Hutter as set forth in our Constitution of the United States.

Whether the Seventh Circuit was correct in dismissing this very important appeal because the appellant, attorney John Hutter, appearing pro se did not provide an argument as provided by rule 28(a)(4).

Attorney Hutter argued that Judge Leinenweber, even after written argument, never gave attorney Hutter a single opportunity to present his case after making several 250 mile trips from Cedar Rapids driven by his son-in-law for attorney Hutter is 88 years old and nearly blind.

Attorney Hutter believed that this treatment was cruel and improper.

He also argued that County Judge Yates acted improperly as a defendant in Hutter's original complaint when he ignored the fact that the county as well as the city were defendants in the action.

Hutter also argued that it was improper and illegal for a unit of government like a city to tax a business or building when by its persecution for fifty years prevented that building from making an income.

If these questions of unlawful behavior were not arguments that the city attorney could address, attorney Hutter is at a loss.

The basis of the appeal was the behavior of the District Court to whom the case was presented twice.

Originally a suit was filed in his court and he never notified attorney Hutter who was the only attorney of record.

When attorney Hutter filed an appeal, he was told by the Court of Appeals that it had been dismissed six months earlier and in the case now on appeal he never permitted attorney

Hutter to make any statements at all when he appeared in his court after a 250 mile trip.

Opposing counsel did not want to reply to the above arguments so attorney Hutter sent him a brief on Judge Rosenblum which was the basic fact he could respond to which is in the Appendix.

The civil rights of attorney Hutter and his Hutter Northern Trust have been denied for fifty years.

This denial by the politicians in Chicago is typical of the hopelessness of thousands of residents in Chicago in conflict with the politicians in Chicago, the city that has been his home for over 88 years until Judge Rosenblum took his treasured building away from him and his family.

When John Hutter make the 250 mile trip to court to prevent Harris from taking over his valuable building by paying $5,000 delinquent tax and a small part of what Hutter owed.

The County Court, Judge Yates presiding, gave him a letter to send to Hutter. Harris held it a week before forwarding it to Hutter so there was an emergency for Hutter to file a motion in the District Court. Hutter notified the court he would appear in court two days before the deadline.

When he arrived in court, Judge Leinenweber told him that Harris's attorney appeared in court the day before and asked the court for an extension to answer Hutter's motion. Judge Leinenweber said he granted it. Of course he never did, it was just a ploy for Judge Leinenweber to avoid giving Hutter the opportunity to present a case in his court.

The other time was when Hutter appeared in his court after intervening holidays to be told the judge was out of town and the clerk did not know when he would return.

So, in two lawsuits these were the only times that the attorney was allowed to appear in his court before he dismissed the case.

So when attorney Hutter filed his appeal to the Court of Appeals, the only plea or argument he really could have made was the fact that the case was dismissed without a hearing.

So the stage was set to dismiss the case at once because he made no argument to which the corporation counsel could reply for there had been no decision by the court to argue against except it was wrong for the District Court to dismiss the case without a hearing and the same applied to the Court of Appeals to do as dozens of courts have done before to do the best they could to prevent John Hutter from ever having his civil rights protected and his landmark building taken away from him and his family by Judge Rosenblum as illustrated in his reply to the corporation's motion to dismiss because he had nothing to argue about because there never was anything before the court to argue about because there was no hearing.

STATEMENT OF THE CASE

It cannot be concise for the denial of civil rights to attorney Hutter and his Hutter Northern Trust has extended over fifty years.

NEW APPEARANCE: U.S. SUPREME COURT

Case 18-8731 dismissed 9-8-87.

When Hutter watched the bicentennial of our Constitution, and how the Supreme Court helped a poor woman get the money she earned from her employer, moisture came to his eyes.

Nowhere else in the world were the constitutional and civil rights protected as in our beloved United States.

For fifty years I have been trying to have my rights protected from the city of Chicago without any success at all and that is true for every citizen or resident in a unit of government where there is conflict with the city, itself, or its politicians.

All a state's attorney has to do is make a motion to dismiss and the court will dismiss the case at once.

In the appendix, I have listed dozens of case in all courts including the Supreme Court which has said he had no recourse against a corporation counsel, a receiver and his attorney even though they were criminally preventing Hutter from carrying out the orders of the court.

In the present case against the city of Chicago and its officials, Judge Leinenweber dismissed the case without even notifying Hutter, the only attorney of record. Hutter did not find it out until months later when he tried to appeal the case.

Unfortunately, when Hutter filed a new case in the District Court, it was again assigned to Judge Leinenweber.

Judge Yates of the county court gave Harris the notice he should give Hutter about him granting Harris a deed.

Harris held the notice a week before mailing it to Hutter who then at once filed a motion before the court. When Hutter arrived after his 250 mile trip, he was informed that the lawyer for Harris had been in the day before and had gotten a continuance.

During the holiday season, the state's attorney filed a motion to dismiss in a couple of days. Hutter made the trip to court in time but his clerk said he was out of town and she did not know when he would return. Hutter had problems in Sturgeon Bay, Wisconsin, so he went there and wrote the court for a new date when he would be there.

The court did not answer, instead he dismissed the case.

Hutter appealed to the United States Court of Appeals, Case No. 87-1831 and raised the following questions.

Hutter argued that it was wrong (1) for Judge Yates of Cook County, which was a defendant in the case to give Harris, who had a small purchase of delinquent taxes, title to Hutter's million-dollar building.

(2) Attorney Hutter also argued that it was wrong for the court to set dates for a hearing causing Hutter to make a 250 mile journey with the judge absent.

(3) Hutter also argued that it was wrong for the court to dismiss the case without even granting a hearing.

(4) Hutter also argued that it was wrong for the city to harass him for fifty years making it impossible to operate his building.

(5) Hutter also argued the city denied him his civil rights for fifty years.

(6) Hutter also argued that judges no longer care about anything except to get rid of cases as soon as possible regardless of justice.

The state's attorney filed a motion to dismiss because Hutter did not make an argument.

Besides arguments above, Hutter provided the state's attorney with additional arguments concerning the atrocities and illegal behavior of Judge Rosenblum.

In spite of the fact that Hutter provided all the arguments he thought feasible at the time, the Court of Appeals dismissed his appeal because he did not follow Rule 28(4)(a) "which rule states an argument should be provided."

Attorney Hutter provided all arguments he thought relevant.

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 87-1831

John A. Hutter, Trustee et al.,

Appellant,

-versus-

City of Chicago, et al.,

Appellees.

Motion is hereby made for the court to reinstate this appeal for the following reasons:

The Appellant, John A. Hutter's, constitutional and civil rights have been grossly abused by Judge Rosenblum.

In celebrating the 200th year of our Constitution, a case was cited to the effect that a woman's civil rights were abused because her employer did not give her all of her earnings due.

Yet in the current case Judge Rosenblum has destroyed and confiscated Hutter's building at 3526-18 North Marshfield Avenue, because he did not appoint six hour receiver, agent, for his building.

It seems that when a judge or city is guilty of violating the civil rights of a citizen or resident, the courts will do everything possible to deny that citizen the protection of his constitutional and civil rights.

This has been true for fifty years in the courts of the city of Chicago and its judges.

Finally, the Supreme Court of Illinois refused to intervene even though the court record on file was filed with false information, while proper material was omitted.

The same evasion was made twice in the United States District Court for the Northern District of Illinois and now this United States Court of Appeals For the Seventh Circuit, dismisses this case a few days after it received it with the feeble excuse that no argument was made except to state that Judge Leinenweber of the U.S. District Court dismissed the cases involving the city of Chicago and its Judge Rosenblum twice without even giving attorney Hutter the opportunity to testify.

Attorney Hutter did not even have opportunity to reply to the motion of the city of Chicago before this Court of Appeals summarily dismissed his appeal. Therefore attorney John Hutter pleads with the court to reinstate this case and give attorney John Hutter and the members of his Hutter Northern Trust the protection of their constitutional rights, and also address the vindictive behavior of Judge Rosenblum,

Respectfully Submitted,

JOHN A. HUTTER
ATTORNEY AT LAW
110 25th Street Drive S.E.
Cedar Rapids, Iowa 52403

For general information, the appellant is 88 years old and was nearly blind until his eye operation at the University of Chicago a couple of weeks ago. The corporation counsel of the city of Chicago claims the form of appeal is not correct. Attached is the compliance list which appellant complied with. What should a court be concerned with? Form or our Constitution and the civil rights of every citizen or resident in the United States?

Judge Leinenweber dismissed this case without any hearing whatsoever, as he did on the preceding case before him.

The appellee, the corporation counsel for the city of Chicago, states appellant's brief is incomprehensible and raises no issues to which the defendants can respond.

Therefore, John Hutter, Attorney at Law, appearing pro se, herewith provides the corporation counsel a brief to which he can reply.

For fifty years the city has continuously harassed John Hutter and his Gargoyles apartment building which would cost a million dollars to replace. Hutter, however, limits his plea for justice to the criminal action of Judge Rosenblum of the building court.

Judge Rosenblum told Hutter he visited his landmark building and wished he had it.

Previously when a building court judge got out of order, Hutter would appeal to the Appellate Court at once. This time Hutter decided to go along with the court as much as possible. This is the result to which I hope the corporation counsel will respond and point out where attorney Hutter is wrong.

The building department complaint was a long one to which Hutter and his crew, who constructed his 500 acre Chateau Hutter resort at Sturgeon Bay, went to work. The renewal and all equipment was new.

The capable, honest building inspector reported our progress fully and accurately.

One day to Hutter's surprise when he went to the entrance of his building, his garden was overflowing with a crowd of invaders including the ward committeeman, a fire department official, representatives of the alderman's office and curious crowd of neighbors.

They said the building was a fire hazard and would have to be shut down. After some three days of suspense, that officer from the fire department said Hutter would have to replace the entrance door to his boiler room, which was lined with three sheets of asbestos and covered with galvanized iron and fully approved by the building department, with a $400.00 door of plaster.

Hutter always was the first one in court so he could hurry to his very sick wife, Dorothy, in a nursing home. One day Judge Rosenblum said Hutter must remain until all the other cases were heard and the courtroom was empty. He then produced a new neighbor, Kim Barnes, who presented pictures he had taken including the boiler room pit and two taped wires, which the electrician was replacing for a new time-clock.

He had invaded the boiler room without permission.

Then the alderman's assistant, Mrs. Weisenmayer, testified that poor old Hutter could no longer manage his building and that among the tenants were some black persons and an Indian chief and his wife.

So Judge Rosenblum said he would have to appoint a receiver. Hutter told him that if he did Hutter would appeal at once. Hutter unknowingly gave him an out.

He suggested that ten days before the critical date of appointment of receiver he would meet with the building

inspector. His grandson, Ronald Coy, would take notes and Judge Rosenblum said okay.

A few days before the meeting, a receiver named Jack Keenan showed up, took over apartment 201 and proceeded to tell all tenants that the building was unsafe and that they should pay no more rent to Hutter.

Hutter and his grandson raced downtown to the court to find Judge Rosenblum but was told he was out of town. Hutter filed an appeal at once. He did not know that the receiver was dismissed as soon as he left Hutter's building. (At the late meeting with Rosenblum, Hutter sat in a swivel chair to pick up his coat and broke a blood vessel and his arm was swelled and purple for a month.)

Previously Hutter never went back to the trial court after he had filed on appeal, but this time he decided to work differences out with Judge Rosenblum. Not long afterward he asked Hutter to wait until all other cases were disposed of and had him attend a meeting in his office. Present were Kim Barnes and Mrs. Weisenmayer.

The judge told Hutter he wanted him to appoint the six hour receiver, Jack Keenan, as agent of the building. Hutter said he would think about it. This man had his office downtown and Hutter did not see how he could handle rental, anyhow he was suspicious and decided to make other arrangements. At the last session of Judge Rosenblum's court which Hutter attended, the judge asked Hutter is he had appointed the ex-receiver and when Hutter told him no, he became furious, fined Hutter twice and had the sheriff take him in custody for the rest of the day.

Judge Rosenblum then decided to destroy Hutter and take his building away from him.

Next Rosenblum sent a new crew of building inspectors every week to rap on doors and encourage any remaining tenants to move.

Without any money to live on and make repairs, Hutter had to sell his family homestead. The purchaser was in real estate so Hutter asked him to be the rental agent. He was very good and secured some fine tenants.

Rosenblum heard of this and sent word that is he continued he would send a number of building inspectors to harass him in the home he had purchased. Presley Garrett quit and suggested that his assistant, Jerry Prince, who was doing repair work take over and he did.

While making arrangements with Jerry in Hutter's penthouse, a man who said he was a friend of Kim Barnes and was with the state's attorney showed up and scared the young man.

He rented to every undesirable he could and then disappeared with $6,000.00. The police never found him.

Hutter's grandson, Gregory Coy, got Haderlein and Sons to manage the building. Rosenblum then sent Mr. Haderlein a long complaint that overwhelmed him. He quit and is a defendant.

Hutter could not get anyone else to manage the building. Judge Rosenblum then appointed a black receiver, Robert Witlow. He rented the $400.00 per month English apartment for $200.00 to undesirables, who destroyed the priceless 8 foot mirror.

When Hutter tried to enter his building he was barred and had to go to motels when in Chicago.

Hutter has priceless belongings in his penthouse. For example, he has two Chinese rugs he brought back from China where he was carried in a sedan chair by two Chinese coolies to a merchant near Canton, China.

His library is priceless to him.

The last time he visited his building, the new doors that Haderlein had installed were missing as was the $400.00 door to the boiler room. During the same period Harris was appointed co-receiver.

As Hutter answers this motion of the corporation counsel, the building is vacant and boarded up.

The heating season is close at hand. It cost Hutter $2,000.00 a month for gas. What provisions have been made to heat or drain all pipes and fixtures? The corporation counsel should answer this statement of facts.

Attorney Hutter pleads with this honorable Court of Appeals to grant him relief and compensation so his building can be restored and he can be reimbursed for 50 years of violation of his civil rights under our Constitution.

Why can't this current court be as anxious to see justice is done as an earlier court which in a landmark decision reversed Judge Julius Hoffman three times? Why can't this case get to a jury?

Respectfully Submitted,

JOHN A. HUTTER
ATTORNEY AT LAW
110 25th Street Drive S.E.
Cedar Rapids, Iowa 52403
Phone: 319-362-3375

United States Court of Appeals
For The Seventh Circuit
218 South Deerborn Street
Chicago, Illinois 60604

Thomas F. Strubbe
Clerk
312-435-5850

Dear Madam or Sir:

The enclosed document(s) is being returned to your office for the following reason(s):

( ) Color of cover of brief is incorrect. See FRAP 32(a).
( ) Document received after due date.
( ) Document lacks a certificate of service.
( ) Document received is illegible.
( ) Document lacks required affidavit.
( ) Insufficient number of copies tendered.
( ) Circuit Rule 11 requires an original & 6 copies of letter and citation.
( ) Circuit Rule 11 citation of additional authority is argumentative.
( ) FRAP 27 (d) requires an original & 3 copies of a motion or reply to a motion.
( ) Record withdrawn from clerk's office not returned. See Circuit Rule 4 (g).
( ) Appearance form lacks a certificate of interest per Circuit Rule 5 (b).
( ) Brief lacks certificate of interest per Circuit Rule 5 (b).
( ) Brief, petition for rehearing, or answer to petition for rehearing lacks a table of contents.
( ) Brief, petition for rehearing, or answer to petition for rehearing exceeds page limitation.

( ) Appellant's brief lacks required *short* appendix. See Circuit Rule 30 (a).
( ) Motion to affirm w/o oral argument and proposed order not filed simultaneously with appellee's brief.
( ) Special leave of court is required to file document.
( ) Motion was denied.

If the due date of the returned document has passed at the time you resubmit the corrected document, a motion for leave to file the document instanter will also be required.

Inquiries regarding Seventh Circuit Court of Appeals filing procedures may be made to the clerk's office:

Commercial No. – 312-435-5850
F.T.S. No. – 312-387-5850

Thank you

Pro Se/Prisoner Clerk
Deputy Clerk

MOTION FOR COURT TO REINSTATE THIS CASE WHICH THEY DISMISSED BECAUSE ATTORNEY JOHN HUTTER APPEARING PRO SE DID NOT FOLLOW RULE 28(a)(4)

At the time this appeal was filed attorney Hutter was blind in one eye and could hardly see out of the other eye. He was 88 years old and was permanently crippled, looking for thieves that stole his TV set and other possessions when living alone in his building while he went for breakfast. The city police were no help. They merely made out a report even when arsonists started a fire in one apartment.

When an angry visitor was not admitted to his girl's apartment he smashed two large hall windows. When Hutter complained to the desk sergeant at the Belmont Avenue Police Station, he was told, "You are an old man, you should forget your building, get a 27 year old woman and have a good time."

Rule 28(a)(4) (which Hutter now can read after an eye operation) provides (4) "an argument – the argument may be preceded by a summary. The argument shall contain the contentions of the Appellant with respect to the issues presented, and the reasons, therefore, with citations to the authorities, statutes and parts of the record relied on."

These are the facts. A previous case was dismissed by Judge Leinenweber without notifying Hutter. It was only several months later when Hutter filed an appeal that he was told of the fact that the case had been dismissed several months earlier.

Unfortunately, this case with subsequent developments was assigned to Judge Leinenweber again.

Judge Yates, ignoring the suit in existence, attempted to give title to Hutter's building to Mr. Harris, who was to notify Hutter at once. He waited a week. Hutter, in Cedar Rapids,

Iowa, 250 miles away, immediately filed a motion for the court to hear in two days. When Hutter reached the court, Judge Leinenweber informed him that the attorney for Harris asked for an extension the day previous and was given it.

Agreement was made with the court to appear in Judge Leinenweber's court on a certain day to reply to motions filed at the start of a holiday. Hutter made the long trip, only to be told that the date agreed upon — the judge was out of town and the clerk did not know when he would return.

The court dismissed the case a short time later.

Later when Hutter appeared to protest the dismissal, he was told the dismissal stood. Therefore, the only facts before this court were that at no time was Hutter permitted in Judge Leinenweber's court to make any statement whatever.

In case # 87 C 1319, the brief presented to Judge Leinenweber was a long one because it covered some fifty (50) years of persecution by various building department judges and the resulting appeals to the Appellate and Supreme Courts of Illinois to no avail.

Attorney Hutter replied as soon as he could to the motion to dismiss by the state's attorney. The only fact before this Court of Appeals was that Hutter was only allowed to say a sentence or two before Judge Leinenweber confirmed the fact that he had dismissed the case.

Therefore, there was nothing Hutter could have argued under rule 28(a)(4). All Hutter could do was allege the facts that took place since the earlier action before Judge Leinenweber, which he did.

Hutter had not been permitted to say anything in his two appearances before Judge Leinenweber nor did the judge ever indicate that he required any facts other than those presented to him.

Judge Leinenweber dismissed the case before him without giving Hutter the opportunity to reply.

This Court of Appeals dismissed this case without ever receiving the brief attorney Hutter filed in reply to the state's attorney. The case was returned to Hutter because Hutter did not state it had been served by certified mail.

If the court will read this brief it will learn of the criminal behavior in which Judge Rosenblum took attorney Hutter into custody and destroyed and boarded up Hutter's landmark building, which would cost a million dollars to replace.

All of this is set forth in Hutter's motion to opposition to dismiss appeal. Under these circumstances Hutter pleads with the court to reinstate his appeal.

Attorney Hutter has never conceded defeat in any case until the United States Supreme Court has refused to hear his case.

His last case before that court was against the Supreme Court of Wisconsin, who dismissed his appeal by citing a case against the Catholic Church in Milwaukee.

Hutter appealed to the Wisconsin Supreme Court that it did not apply to him.

When he appealed to the United States Supreme Court, Justice O'Connor dismissed it because it was four days late due to the motion to the Wisconsin Supreme Court.

At the time when we are celebrating the 200th anniversary of the Constitution, courts are ignoring constitutional and civil rights of citizens and go out of their way to dismiss cases involving those rights.

Attorney Hutter pleads with this court to reinstate his appeal and see that justice is done.

Hutter can then ask a jury to award him a judgment repaying him and his family for fifty (50) years of harm the building courts caused them.

Respectfully submitted,

JOHN A. HUTTER
ATTORNEY AT LAW
110 25th Street Drive S.E.
Cedar Rapids, Iowa 52403
appearing pro se

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 87-1831

Hutter Northern Trust, et al.,
Plaintiff-Appellants,

-versus-

City of Chicago, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division. Harry D. Leinenweber, Judge.

Argued: September 15, 1987. Decided: October 14, 1987.

Before BAUER, Chief Judge, POSNER and FLAUM, Circuit Judges.

This matter comes before the court for its consideration upon the following documents:

1. "REPLY TO MOTION TO DISMISS" filed herein on September 15, 1987, by John Hutter, Attorney at Law, appearing pro se.

2. "MOTION FOR COURT TO REINSTATE THIS CASE WHICH THEY DISMISSED BECAUSE ATTORNEY JOHN HUTTER APPEARING PRO SE DID NOT FOLLOW RULE 28(a)(4)" filed herein on September 29, 1987, by Attorney John Hutter.

The appellant has filed these pleadings and other miscellaneous papers, ostensibly in support of his motion for reinstatement. Originally, appellant's suit was dismissed for failure to prosecute in accordance with the Federal Rules of Appellate Procedure. The court declines to reconsider that decision. Accordingly,

IT IS ORDERED that the "MOTION FOR COURT TO REINSTATE THIS CASE WHICH THEY DISMISSED BECAUSE ATTORNEY JOHN HUTTER APPEARING PRO SE DID NOT FOLLOW RULE 28(a)(4)" is DENIED.

The diabolical time schedule of Judge Rosenblum for the destruction and confiscation of the Gargoyles, John Hutter's memorial to his father.

1. Send over accomplice, Alderman Schulter's agent, and entourage to frighten tenants.

2. Send over a new group of building inspectors every week to frighten tenants.

3. Send over his six-hour receiver, Keenan, to tell tenants building was being shut down.

4. Make Hutter stay after court and in the presence of Kim Barnes and Mrs. Weisenmayer, the alderman's assistant, tells Hutter that he wanted Keenan, his ex-receiver, to be manager of the building. Hutter said he would consider.

5. Asks Hutter if he appointed Keenan, agent for building. When Hutter said no, Judge Rosenblum exploded, fined and incarcerated Hutter.

6. Hutter had to sell family homestead at 3516 North Pauline Street to pay expenses. Purchaser Presley whose wife was in real estate agreed to manage building and did an excellent job.

7. Rosenblum tells Presley if he did not quit he would send a flock of building inspectors to hound him.

8. Presley quit and had his assistant who worked in the building take over. An agent of the state's attorney threatened him so he rented to every undesirable he could and absconded with $6,000.00.

9. Grandson, Greg, got John Haderlein and Sons to take over management. He accomplished a great deal. Then Rosenblum sent him a very long building department complaint.

10. Rosenblum fined Haderlein a large amount and Haderlein quit.

11. Hutter could get no one else to take over management. Then Rosenblum appointed a black receiver for the building. He locked Hutter out of his penthouse apartment and proceeded to wreck building and prevent sheriff after five months from evicting tenants that paid no rent for a year.

12. Hutter had to rent a motel when he came to Chicago and court.

13. Then Rosenblum appointed Harris, the supposed buyer of taxes, co-receiver.

14. Hutter wrote corporation counsel party to action in appeals court that the heating bill was $2,000.00 — a month which they would have to pay or drain all the pipes for now the building was empty and boarded up.

Order of Dismissal in United States District Court.

Plaintiff not permitted to make any court appearance and present his case. Suit arbitrarily dismissed.

ORDER

Plaintiff, Hutter Northern Trust, brings this suit against various municipal and county defendants apparently alleging violations of the civil rights of John Hutter. The case is now before the court on the state's attorney's and the city of Chicago's motions to dismiss.

Mr. Hutter had earlier brought a previous action based on the same incidents discussed in the instant complaint. (Hutter v. City of Chicago, et al., Case No. 86 C 2422). On June 27, 1986, this court entered an order dismissing that claim on the ground that the defendants "could not answer the complaint because it does not fairly place them on notice of the substance of plaintiff's claims and does not comply with the Federal Rules of Civil Procedure."

Like the earlier complaint, the instant complaint is in narrative form and incorporates several newspaper articles and personal letters.

This court believes that the instant complaint also does not place the defendants on notice of the substance of plaintiff's claims and does not comply with the Federal Rules of Civil Procedure. Accordingly, the motions to dismiss are granted. As to the remaining defendants, the complaint is dismissed, *sua sponte,* in its entirety.

The city's motion for costs is denied.

IT IS SO ORDERED, ENTER:

ORDER

This cause is before the court on the motion of defendants, The City of Chicago, Sharon Weisenmayer, and Kim Barnes to dismiss the plaintiff's complaint. For the reasons stated herein, plaintiff's complaint is hereby dismissed.

The complaint in this case was filed pro se by John A. Hutter, an attorney. The complaint alleges a series of incidents which Mr. Hutter claims amount to a deprivation of his civil rights. Mr. Hutter believes that an investigation similar to the "Greylord" investigation would be "just as fruitful" if it were conducted on the Building Courts and the Appellate Court of Illinois (complaint at p. 2) He indicates on the last page of his complaint that we will provide a Treasury Bill in the amount of $95,000.00 to be held in escrow for the State of Illinois until this litigation is concluded. The complaint is in narrative form and incorporates several newspaper articles and personal letters. The complaint does not specify the jurisdictional basis of Mr. Hutter's claim other than to indicate that he believes his civil rights were violated.

At a recent motion call this court granted the County of Cook's motion to dismiss because it was named in the caption of the complaint but was not alleged to have been involved in any of the incidents referred to in the complaint. An attorney has appeared in court on behalf of Mr. Hutter. However, the attorney has not filed a formal appearance. This court informed the attorney that the defendants in this action could not answer the complaint because it does not fairly place them on notice of the substance of plaintiff's claims and does not comply with the Federal Rules of Civil Procedure. The attorney was warned that if he failed to file an amended complaint that the court would have no alternative but to grant the motion of any party who sought to be dismissed. No amended

complaint was ever filed. Because the complaint is deficient with respect to all potential defendants, it is dismissed in its entirety sua sponte.

IT IS SO ORDERED

BRIEF ANALYSIS OF CASE

After fifty years of harassment by the city building department, Judge Rosenblum took charge.

He visited the Gargoyles and said he liked it.

He used Alderman Schulter to harass the tenants and provided the means of installing the six hour receiver, Keenan, who told tenants the building was being shut down and they should pay no rent. He found out Presley, who bought Hutter's homestead, was managing the building so he threatened him if he did not quit. He sent an agent of Kim Barnes who proceeded to scare away Presley's helper, who absconded with $6,000. He sent Haderlein an enormous building complaint and fined him. Naturally he quit. No one would manage building. He appointed a black receiver who forbade Hutter to enter his building. He encouraged Judge Yates of the defendant county to give Harris, who had purchased a delinquent $5,000 tax bill, the title to the building. Case before Judge Leinenweber who dismisses case upon motion of Kim Barnes and the alderman's lady; appoints Harris, receiver, who thinks he owns the building. He ignores the Supreme Court case, and takes out the Gargoyles from the front entrance.

Please see photos at end of brief, large pictures with Gargoyles given to Hutter as a Christmas present by a grateful tenant. New pictures taken just before Thanksgiving.

The constitutional and civil rights of Hutter and beneficiaries in Maryland, New Jersey, Wisconsin, Illinois and Iowa have been grossly denied and all courts including this Supreme Court have ignored this.

The Court of Appeals Seventh Circuit dismissed the case within a few days of receiving it.

APPENDIX

APPENDIX

PROLOGUE

This Supreme Court was seriously mistaken when it held that no civil rights were violated even where the participants were criminally involved in preventing attorney Hutter from carrying out the order of a circuit court of Illinois unless race was involved. Attorney Hutter believes in its decision in Case No. 76-1308.

Hutter's uncle, Philip, of Rochester, NY, gave his life fighting to free the black slaves.

The fact is that Irving Faber, Timothy O'Hara, and Charles Zeller did not carry out the court's order for attorney Hutter to vacate two back penthouse apartments which Hutter reluctantly agreed to do in order to make peace with the court. They did exactly the opposite.

They told Hutter they were going to do just the opposite and take the Gargoyles building away from him.

Hutter vacated the back penthouses without difficulty but when it came to the penthouse occupied by Miss Boynton it was a different story.

For over three years they prevented her eviction and she lived there rent and electricity free.

Police arrived at midnight without a warrant to arrest Hutter. Detectives order Hutter's daughter to appear downtown or go to jail.

Detail is provided elsewhere.

It is, of course, too late to correct this mistake because of the statute of limitations. However, attorney Hutter hopes this Supreme Court will be more careful in the future to do justice.

Attorney John A. Hutter's eyes moistened as he watched the celebration of the second centennial of the establishment of our Constitution.

He thought back about the time his grandparents came to partake of the freedom of our wonderful land not long after the Constitution was put into effect.

When he was seven years old, his father took him and his mother to the family home in Rochester, New York, where he visited the grave of his uncle, Philip, who died fighting to help President Lincoln preserve our young nation and free the slaves.

Attorney Hutter watched with deep interest the intense examination of appeal judge, Bork, to judge if he was qualified to become a member judge of the United States Supreme Court. He was fascinated how the legislature questioned him about how he would protect women and blacks and other minorities. Little was said about his values on the protection of the civil and constitutional rights of all persons residing in these United States.

In the celebration, we were told how the Supreme Court secured a small amount of wages for a poor woman who was cheated by her employer.

Nothing at all was mentioned in the celebration or the questioning of Judge Bork about how the Constitution would protect a citizen or resident from abuse by any unit of government and the denial of his precious civil or constitutional rights.

Attorney John Hutter has always loved Chicago where he was born and raised.

John's father was an artisan with plaster. He built the Electricity Building of the 1893 World's Fair in plaster — a complete duplication of the ancient temple in Athens, Greece. This

building, now built in stone, is the Museum of Science and Industry.

He also built many banks, department stores and the Hogmarket Theatre and also the Illinois Theatre, corner of Jackson Boulevard and Michigan Avenue. Across the facade of the building was a row of gargoyles depicting the facial expressions of the various moods of human beings.

From a little boy who played in the sand while his father constructed the Bird House in Lincoln Park where zookeeper, Cy De Vry promised him a baby lion if he wanted it, Hutter has always loved Chicago where he spent all of his life until the last two years.

Hutter quit the Hamilton School in the seventh grade after receiving a very complete education including manual training.

Later at night school, he earned a B.S., M.B.A., C.P.A., and J.D.

He taught law and graduate courses at DePaul University including his specialty, income taxes.

At the same time, he was advisor and prepared all tax returns for the various trusts for the Union Trust Company, including the McCormick and Pattersons of the *Chicago Tribune* who owned the Union Trust Company.

While teaching at DePaul University, the Illinois Theatre was torn down to make way for a skyscraper.

Hutter acquired the Gargoyles and was determined to build an apartment building featuring the Gargoyles as a memorial for his father.

He engaged a firm of architectural engineers to design his building with all steel partitions and metal bolts, the first in the city and approved by the building commissioner.

It was a beautiful building with a mahogany penthouse and a French apartment with an eight foot mirror.

Many of the tiles and artifacts of the 1933 Century of Progress were included in it. It became a landmark.

John Hutter was an apprentice of the Plasterers' Union and installed all the marble and tile bathrooms.

Hutter and his wife, Clara, slept on bales of insulation to protect their building during construction from thieves and vandals. In the daytime Clara was an executive in the prestigious law firm of Alden, Latham and Young. Attorney Latham was president of the Chicago Bar Association.

At the time it was about the only building under construction in Chicago. All union labor was employed at a cost of one dollar an hour.

The terrible depression of 1929 was not far behind.

Nothing during the questioning of Judge Bork dwelled on the relation of constitutional or civil rights of residents by their state governments, apparently the thought was that no problem existed.

After fifty years of continual harassment by the building department of the city of Chicago, resulting in the impending loss of his treasured Gargoyles apartment building, Hutter believes from experience that no court will rule against a local unit of government nor against any judge of that court regardless of the gross criminal action of that court.

When Hutter, with the marvelous assistance of his wife, Clara, just about completed the beautiful, unusual fire-resistant building, a city of Chicago corporation counsel called him and said he lived in the neighborhood and did not like Hutter or his building and that he would destroy it.

Not long after, a lieutenant of the fire department called on Hutter to examine the building and could find nothing wrong

but said he would have to try and mention something or get in bad with the city.

In the ensuing court hearing, he mentioned that the doors of the rear penthouses opened upon the eight foot square stairwell which was enclosed in a twelve inch brick wall with steel windows and that opened onto the brick and steel hallway to the front exit.

He told the court that the building was in excellent condition.

The judge was furious and told the corporation counsel to find another inspector who would find something in violation of the building code.

The following building inspector did and for fifty continuous years the city building courts did that.

When the court was too unreasonable, attorney Hutter immediately appealed to the Appellate Court and later to the Illinois Supreme Court to no avail. No matter how the lower court abused the civil and constitutional rights of attorney Hutter, the upper courts gave no relief.

In the appendix, attorney Hutter will list these cases and will present a copy of the last case before the Illinois Supreme Court concerning his building which the court dismissed and will comment briefly on it and preceding cases.

This is a copy of the appeal to the Supreme Court of Illinois which the court dismissed.

App. 6

SUPREME COURT OF ILLINOIS

No. 1-84-2319

John Hutter,

Appellant,

-versus-

City of Chicago,

Appellee.

Appeal from the Appellate Court of Illinois.

The order of the Appellate Court states: "It appearing the appellant has failed to file the record in compliance with Supreme Court Rules: It is therefore ordered that this appeal is dismissed for want of prosecution."

Order entered March 18, 1985. Copy received by appellant April 1, 1985.

The appellant, hereinafter referred to as Hutter, had a case in the U.S. District Court of Wisconsin, Milwaukee, and at the end of the trial Hutter asked the reporter for a copy of the transcript.

In a week it was received in Chicago without a deposit. Hutter took it to the U.S. Court of Appeal in Chicago and it was filed at once.

In some fifty years of practice it was the same in Chicago.

Hutter tried for almost a year to get the transcripts in Chicago with a continual runaround. Even Chief Judge Cummerfort could not help.

Hutter took what he had and tried to file it in the Appellate Court on a Friday. He was told he would have to go to Judge Rosenblum's court and try to get it approved and then take it to the clerk in the Circuit Court first for registration.

The time was too short to meet the Appellate Court deadline even though a second appeal had just been filed because Judge Rosenblum said it was moot.

Months before, the alderman's female agent appeared at Hutter's building at 3526 North Marshfield with the fire department declaring the building was in violation of ordinances and was unsafe.

Hutter's building is pre-ordinance — years before this, building inspectors asked Hutter to cover the door entering the boiler room with asbestos and sheet metal cover which Hutter did. Now the fire department asked him to put in a $400.00 door which he did and they approved the whole building and dismissed the action which had been filed without notice. They said the building met all the safety regulations.

Judge Rosenblum wanted an auxiliary lighting system installed in the building. Hutter agreed. The ordinance says little. He asked the B & A Electric Company, his electrical contractor, what to do. They said they had never heard of it and they are the largest in the city.

Hutter suggested to the court that he install the following system:

1. A convertor to six volts connected to a battery, connected to a light system to all exit signs, etc., that would keep exit signs lighted for a half hour if the 110 volt city lights were out.

Judge Rosenblum had the following system of operating his modus operandi:

It was the hit and then pet — for example: he had the building inspector testify that Hutter's plan was not satisfactory thus he would lambaste the inspector and tell him he knew more about electricity than he did and told Hutter to go ahead with his plan which Hutter did. Then he asked Hutter to come to his office and have a conference with the alderman's woman who had libeled Hutter and said they would help him in every way if Hutter would call upon the friendly receiver which he had sent to his building contrary to court agreement to be his rental agent. This man had told the tenants not to pay any rent to Hutter and that he was going to shut down the building. No one paid any rent and Hutter is still trying after a year to get the remainder out. His loss was some $90,000.00.

This was his trick — hit Hutter with the receiver and then be his friend so Hutter would hire the receiver to manage his building.

At a later-session, building inspector, Stanley, testified all work had been done. Hutter was asked if he had called his friendly receiver. When Hutter said, "no," all hell broke loose. He fined Hutter twice and complained about his dress for the Appellate Court and incarcerated him.

He violated all of Hutter's civil rights to own property and decide which apartments he wanted to repair and to hold others off the market.

This Supreme Court will get the entire picture by reading Hutter's brief to the Appellate Court. To meet the court's final deadline he uses this means of informing the court.

Respectfully Submitted,

JOHN HUTTER
ATTORNEY AT LAW

3526 North Marshfield Avenue
Chicago, Illinois 60657

For over fifty years Hutter's civil rights have been denied by the Appellate Court of Illinois, the Supreme Court of Illinois, the United States District Court, the Court of Appeals, and the Supreme Court of the United States. See partial list following:

Partial List of Suits Filed During the Last Fifty Years

Court of Appeals

76 1301
72 963
72 1316
72 1764
76 301

Supreme Court

53 386	1628	954	1974
55 283	1993	365	957
74 215	1965	963	628
72 447	1628	1764	24
1972	1919	1574	95
1973	1914	1114	24
1974	1977	1976	
1969	1318	1977	

U.S. District Court

86 C 2422

Appellate Court of Illinois

55 302	72 C 8287	109
51 317	57 387	121
53 386	67 5317	137
55 302	802336	164
55 502	84 937	164
76 1301	65 185	161
75 4323	77 957	173

Supreme Court of Illinois

53 586

People who have been denied their civil rights and are unfairly treated in the courts of Chicago feel that their only recourse is to shoot the judge, which they have done. So to get into the Daley Building Courthouse it is necessary to go through a police guarded entrance similar to an airport with metal detectors.

In the Federal Building, which houses the District and Court of Appeals, there is no such safeguard for the litigants are from out of town because of the requirement of diversity of citizenship of litigants.

That does not mean that the federal courts are more lightly to treat litigants more fairly or respect their civil rights.

The situation has deteriorated over the years.

Hutter and his wife created a resort in Door County, Wisconsin, the size of Monaco.

Rival resorts believed that customers should come to their resorts and then go back where they came from. Hutter's Chateau resort was the only one listed in *Duncan Hines.*

So they slandered his resort. Hutter lived in Chicago and knew he should have filed his suit in Milwaukee but believed he would fare better in Chicago.

The case came up before Julius Hoffman, the Conspiracy Seven judge, and he promptly dismissed it.

Hutter showed the Appeals Court a full newspaper page showing that most of the resort customers came from Chicago so they reversed Judge Hoffman three times in a row. Finally, Judge Lynch, a former partner of Mayor Daley, said he would give Hutter a fair trial. His wife had been so abused by Hoffman that Hutter accepted a settlement including a refund of taxes.

This display of justice no longer exists.

Now the district court judges sit on a throne some twenty feet up and away from the attorney who must communicate by microphone.

They dispose of their cases in twenty minutes and then take the day off. Hutter never saw any evidence of a jury trial, the only safeguard of justice.

John Hutter, B.S., M.B.A., C.P.A. and J.D. degrees all earned in night school, was a member of the faculty of DePaul University where he taught law, including income tax and graduate business subjects.

There were some wonderful judges like John Gutknect who taught Evidence and for whom Hutter tried cases.

Judge Rosenblum, who deprived Hutter of his precious building and forced him to use a motel when he came to Chicago to appear in court, was determined to destroy Hutter and his Foundation.

Is this the way civil rights are to be applied when a citizen or resident are victims of a political unit like a city?

Are political units going to be permitted to tax a business or building while at the same time preventing it from operating?

There are many small property owners who are being deprived of their property who are helpless.

It is almost impossible to get a case like this before a jury of persons only interested in justice and fair play.

If this Supreme Court ignores this problem then all of it is hopeless.

Shortly after the Gargoyles was complete, a lieutenant of the fire department called on Hutter and told him he was supposed to find something wrong with the building.

He was a nice person and said he could find nothing wrong but would have to mention something when he went to court.

So, in the first court proceedings,-he mentioned that the two top penthouses in the rear exited on a brick and steel stairway exiting to the alley and that eight feet below a door opening on the fireproof hallway to the front exit from the building. He said it seemed alright to him.

The judge was furious and to the assistant corporation counsel to send someone out who would file an adequate complaint. The agent sent out replied to the court that he did not like two penthouse apartments and they should be made into one apartment.

Thus began the harassment that continued relentlessly for fifty years without any relief.

Attorney Hutter has outlined the various appeals he has made over fifty years to no avail.

There are some highlights. The case eventually came before Judge Wexler whom Royko, the well-known columnist for the *Sun Times* newspaper, wrote a book about.

Judge Wexler appointed a receiver for the building owned by the Hutter Northern Trust and the corporation counsel, Timothy O'Hara, and attorney Irving Faber for receiver, Charles B. Zeller, Jr.

Hutter had previously agreed to convert the two penthouse apartments into one in an effort to end the endless lawsuits one after another.

He vacated the back penthouse without trouble but then was told by the attorney for Zeller and the assistant corpora-

tion counsel that they were going to prevent him from vacating the other penthouse apartment occupied by Miss Boynton.

Attorney Hutter filed eviction proceedings against Miss Boynton.

When the case came up after a year, corporation counsel, O'Hara, and attorney Faber threatened the black woman judge if she granted the eviction so she refused. The same thing occurred a year later. Hutter protested and took him into custody and explained she was afraid of what the politicians would do to her if she issued the eviction. Attorney Hutter went out and bought her a bouquet of roses.

A year later an out of city judge granted the eviction so for some four years Hutter received no rent from those two penthouse apartments and had to furnish Boynton free electricity for all those years.

Note letter to Judge Boyle, a classmate of Hutter at DePaul.

The police invaded Hutter's building over the roof to arrest him and he had to flee at four a.m. to Oconto, Wisconsin, house of his wife, Clara.

Hutter sued Boynton for rent but she filed bankruptcy.

Also please read attached petition to the Supreme Court, October Term, A.D. 1973.

It seems that if a court can find any excuse whatsoever to avoid giving a citizen or resident of the United States the protection of the Constitution or civil rights it will do so. It raised the question if race was involved. Why? Is not a white citizen to be protected?

Hutter made a mistake when he decided to go along with Judge Wexler and close down the two penthouse apartments.

He very foolishly determined to cooperate with Judge Rosenblum which was a fatal mistake.

Judge Julius Hoffman, the Conspiracy Seven judge, dismissed the case, but in a landmark decision the Court of Appeals reversed Judge Hoffman three times in a row, and Judge Lynch, Mayor Daley's former partner, promised Hutter a fair trial, but urged a settlement which Hutter took because she was sick and abused by Judge Hoffman.

Now, the Appeals Court dismisses a case on the slightest excuse a few days after is is filed.

It seems courts are not as determined to see that litigants receive justice as they were in the past.

Some time back the Chamber of Commerce of Door County slandered my Chateau Hutter resort.

I lived in Chicago and should have filed my action in the District Court of Milwaukee, but I filed it in Chicago. I pointed out to the Court of Appeals, Seventh Circuit, that practically all the customers came from Chicago, the result of a double page newspaper.

This is a copy of the case before the Supreme Court of the United States, October Term, A.D. 1973, in which the court said, in effect, that no claim for civil rights can be made when an official is acting in official capacity.

It ignores the fact that these individuals were acting, not in obedience to the court's order but were criminally doing everything possible to prevent the compliance of an order which attorney Hutter agreed to comply with and was prevented from doing for nearly four years.

The Supreme Court ignored this fact and held the participants in this illegal obstruction of the court's order could do no wrong.

Attorney Hutter believes that if vindictive Judge Rosenblum heard that he could do no wrong in his official capacity, he would be tempted to order the execution of attorney Hutter.

While this Supreme Court believed and held the culprits could do no wrong, they abused attorney Hutter's daughter, Marian, who managed the building and raised four wonderful children, and caused the police to come over the roof at midnight in an attempt to take attorney Hutter to jail without a warrant.

At four a.m. he fled the building and went to Oconto, Wisconsin, the former homestead of his wife, Clara.

Following is a letter to Chief Judge John Boyle, a classmate of Hutter at DePaul University.

JOHN A. HUTTER, JR.
ATTORNEY AND COUNSELOR AT LAW
CERTIFIED PUBLIC ACCOUNTANT
3526 NORTH MARSHFIELD AVENUE
CHICAGO

June 19, 1971

Honorable John Boyle
Chief Judge Circuit Court
Cook County, Illinois
Civic Center,
Chicago, Illinois

Dear John Boyle:

It has been a long time since you and I attended evening law school at DePaul University and you were active in Phi Alpha Delta and I was active in Delta Theta Phi.

It seems that trial practice in some of our circuit courts today is considerably different than that taught to us by our good friend, John Gutknecht. (I taught at DePaul for some eight years following graduation.)

I am referring specifically to Judge Louis A. Wexler. Details of the particular case I have in mind may be found in the Appellate Court First District file of Case No. 55302, City vs. John A. Hutter, et al. This concerns an appeal from a fine imposed because I appealed the case earlier from a decision of Judge Kvistad.

Simply the facts determined by the Appellate Court in the earlier hearing are:

1. Building constructed new according to plans and permit approved by building department for corridor type building.

2. A legal third floor corridor with front and real stairways.

3. According to 67.4 (e) all apartments opening on such legal corridor require only one door — one means of ingress and egress.

4. The apartments in question open upon such corridor. These apartments have more than one level. They meet all other requirements.

5. There is nothing in 67.4 (e) that would make an exception to apartments of this category.

6. Judge Kvistad held these apartments would have to be vacated if additional exits were not provided.

7. I have always cooperated with the Building Department, so in spite of the fact that no one could demonstrate why these units were not covered by 67.4 (e) I agreed to provide additional outside stairway suggested by Lt. Roloff, complaining witness. All this required was a short connecting stairway. But then Lt. Roloff changed his mind and demanded a less desirable fire escape that he estimated would cost $5,000.00.

8. I had no alternative but to appeal, which I did.

9. The fine was imposed because I appealed. Judge Wexler said the fine was imposed because the case was growing whiskers.

10. Lt. Roloff relented and agreed to the outside stairway, which has been installed.

11. I filed many written motions and supporting memoranda trying to get Judge Wexler to rule on them. At every hearing he ignored them and all he would say is, "bailiff, take this man to

jail." Attorney Sam Miller of Owens, Owens and Rinn, was present at one of these sessions.

12. Judge Wexler said "pay the $500.00 fine, file an appeal bond or go to jail." I filed the notice of Appeal and the bond. It was several months later before he signed the order after I asked the Appellate Court for help in this impasse. It bore no resemblance to his order in transcript.

13. I suggested to the Appellate Court and to Mr. Goldman, assistant corporation counsel, that perhaps a settlement could be made and avoid his filing appellate's brief inasmuch as the required work was done.

14. He suggested I see Mr. O'Hara, who instead of being conciliatory said "vacate the apartment at once or go to jail." None of what follows would have happened if I had not tried to make a settlement.

15. He filed a rule to show cause while I was out of town. I filed an opposition to petition for a rule to show cause, a copy of which is attached hereto.

16. Apparently Judge Wexler issued an order to jail me for later, like the gestapo, at 1:30 in the morning, police arrived banging on the door awakening the whole building and then forcing their way through the rear apartment in question, climbing all over the roof and shining lights in the patio windows. On the street below the squadron waited.

Some months previously there were two burglaries in our apartment from the same roof and valuable antiques and heirlooms were stolen. The police even refused to question some hippy types who had access to the rear apartment.

Are these "Fred Hampton type raids" typical of what our police force is required to do against members of the bar who do not kow tow to a vindictive Judge?

My wife, age 75 and very sick, was scared to death and in fear has left her apartment to stay in Wisconsin with her brother.

Just what do you think such action does my reputation in building and my community?

Like you, I love Chicago where I was born. Must one leave the city to find security and perhaps safeguard their lives?

My daughter is a case worker for the county. A few days ago an old man came for relief. He said he spent his lifetime saving and working to acquire a small apartment building to help him support himself in old age. What did the court of equity, equity? chancery, do to him? They demanded impossible alterations, demolished his building, put him in jail and turned him out penniless with only relief to keep him alive. This type of justice is normal, not in the Soviet Union, but in Cook County in the republic of the United States, where residents are protected, protected? by our constitution!

Can these stand up courts with hearings that last 5-10 minutes really be called courts of "conscience," "equity," "chancery?"

Frequently, the judge, like his honor, Louis A. Wexler, is a graduate of the corporation counsel's office. The court certainly is not a neutral, unbiased tribunal. The city counsel and the court act as a unit. Would it not be more economical to dispense with the fantasy of an independent trial and leave the corporation counsel's office to mete out decisions and orders?

It is doubtful that any so called conversions have been made in the city in fifteen years. Yet the building inspectors are expected to mine the same exhausted territory day after day, year after year. They must come up with something to hold their job. There is not a building in Chicago wherein so-called violations could not be cooked up and therefore is not a build-

ing that cannot be forced to be abandoned, for rebuilding a building with the fraudulent taxes assessed is impractical, if not impossible.

Over 1000 apartment buildings a month are abandoned. What is the city trying to do, destroy itself?

Certainly private enterprise, the very basis of our country, is being destroyed. A large part of our city looks like Berlin at the close of the war. A large part of choicer areas is being turned over to developers on the inside who pay less than 10% of the taxes they should, the remainder will be soviet type public housing.

Like you, I know it is all but impossible to fight "City Hall." I certainly have no desire to do so. I supported John Gutknect financially beyond my ability when he ran for state's attorney. I like Mayor Daley. Surely the city official, like myself, certainly don't want to destroy our city.

I have no alternative but to seek justice and fair play in our courts.

The press says you stated that you want reports of improper treatment of attorneys in your courts.

Will you use your efforts to see that justice prevails in your courts?

It would be nice to hear from you.

Sincerely yours,

JOHN A. HUTTER
C/O HERBERT NELSON
R. 1, Box 99
Oconto, Wisconsin 54153

All of the judges in Chicago are not bad, many are very excellent and devoted to justice as was Judge John Gutknecht, whom I tried cases for.

However many were not as the attached editorial of the *Chicago Tribune* would indicate.

The Gaylord investigation which covered some corrupt court judges who went to jail for taking some small bribes to keep drunken drivers out of jail.

Hutter tried to get the U.S. attorney who prosecuted the cases for 6 months to take over his case. He got no answer from the prestigious law firm he was associated with.

Mr. John Hutter
c/o Marian Owen
110 25th Street Drive SE
Cedar Rapids, Iowa 52403

Appellate Court of Illinois
Attention: Gilbert Marchman

Dear Sir:

What is presented as a complete record of case #82M165443 is inaccurate and prejudicial. There is no evidence that the fire department official, together with the Alderman Schulte's agent Sharon Weisenmayer, the ward committeeman and numerous other people invaded the building at 3526 N. Marshfield Avenue and threatened and scared the tenants, telling them that the building was unsafe and might have to be shut down.

After bringing out out crowds in front of the building and causing trouble, what they finally insisted on was replacing the boiler room door of this pre-ordinance building, which had a solid oak door lined with two (2) sheets of asbestos and covered with galvanized iron which had been specified and approved by previous building inspectors and as fireproof as the $400.00 plaster door.

A letter filed April 25, 1984, to Mr. Edward Phillips, state's attorney, by Makim M. Barnes with copy to Sharon Weisenmayer, alderman Schulter's agent, was never introduced in evidence in the March 21, 1984, hearing, but pictures that were introduced at that meeting were omitted, such as the boiler pit and time clock being replaced, a missing 9x12 inch glass in apartment used temporarily as a storeroom and a car standing in our parking lot.

It would be hard to understand the sequence of events. The notice of appeal was filed April 18, 1984, subsequent to receiver Jack Keenan's appearance at 3526 N. Marshfield Avenue a few days earlier at the above building.

Record shows hearing on receiver dated March 21, 1984, appointment continued until April 25, 1984 (the date the inspectors were to meet with John Hutter and his grandson, Ronald Coy).

Receiver came to the building earlier in April when Judge Rosenblum was said to be on vacation, spent approximately six (6) hours and told tenants not to pay rent to Hutter under penalty of jail.

On June 13, 1984, when Judge Rosenblum found out that Hutter had not appointed Jack Keenan as agent for building he placed Hutter in custody.

After Keenan had ordered tenants not to pay rent to Hutter and left, practically all stopped payment of rents to Hutter.

Judge Rosenblum, when he thought Hutter would appoint Keenan, agent, ordered the tenants in #'s 404, 302, 201, 405, 307, 208 and 106 to move. None did. Destruction of their apartments proceeded because of the invasion of the fire department and the weekly visit of large numbers of different building inspectors. When we eventually got them out, their nice apartments were a mess with padlocks on their doors which had to be sawed off.

These orders were contrary to the agreement on March 21, 1984, that the receivership would not take place until April 30, 1984, until after the meeting of Stanley Kolodziej, other inspectors and John Hutter and his grandson, Ronald Coy. Instead of doing this Judge Rosenblum entered an order to tenants to pay all rent to Jack Keenan entered April 25, 1984.

On March 27, 1984, six (6) days after hearing he appointed Jack Keenan, receiver. All of this was opposite to the agreement of March 21st when the receiver was to be appointed at which time Hutter would appeal to the Appellate Court at once.

This illustrates the trickery that was present all the time. attorney and Sharon Weisenmayer, the alderman's assistant, who libeled Hutter.

At the March 21st session which was interrupted for hours until the courtroom was cleared, John Hutter seriously injured his arm as he hurried to pick up his coat on the floor to hurry his very sick wife at Cuneo Hospital, where was x-rayed in the emergency room.

It is very important that any legal process be one of equality before the court or other legal branches of our government.

To summarize, Judge Rosenblum ordered the receiver two (2) weeks early, Hutter filed an appeal. Judge Rosenblum at once canceled the receiver and claimed the action was moot, although all income stopped because of order of receiver to tenants.

Sincerely

John Hutter

The current appeal has to do with the criminal activity of Judge Rosenblum.

Here again, attorney Hutter hoped by cooperating with Judge Rosenblum he could bring to an end the forty years of harassment of the Hutter Northern Trust and its bewildered beneficiaries. Attorney Hutter was presented with a very long complaint and he and Latham and Loren Thorstenson, whom he brought to Chicago from his estate in Sturgeon Bay, went to work to completely rehabilitate the Gargoyles apartment building and they did a very thorough job to the complete satisfaction of the chief building inspector.

Judge Rosenblum said he went out to see the Gargoyles and said he would like to own it.

As the work neared completion there was a large crowd of people assembled in the front yard.

Hutter asked them what it was all about and was told that Alderman Schulter had sent a large crew including a lieutenant from the fire department, his lady assistant, the ward committeeman and assistants to close down the building because of fire hazard.

After three days of panicking the tenants, the fire lieutenant said Hutter must put smoke alarms in a couple of apartments that were being rehabilitated in addition to those occupied and to put a $400.00 plaster door on the boiler room where a door lined with asbestos and galvanized iron and approved by the building was in place.

Hutter, of course, complied but it left the tenants jittery which is what Judge Rosenblum wanted.

Then he sent a new crew of inspectors every week to pound on the doors of the tenants and scare them.

Finally, Loren got so mad he yelled at them to get out and not come back.

Hutter was always the first one in court so he could hurry to the nursing home where his very sick wife was.

One day Judge Rosenblum told Hutter to stay until every case had been heard and the courtroom was cleared, then he called Hutter to the bench where Kim Barnes, a new neighbor, and alderman's Schulter's woman assistant, Miss Weisenmayer, were present.

Barnes presented a number of photos including one when he had invaded the building and took a picture of the boiler pit and two taped wires when Hutter's electrician was in the process of replacing a time clock.

Hutter said he had no objection to the pictures being introduced into evidence. Miss Weisenmayer, the alderman's assistant, testified that poor old Hutter could no longer manage his building and among the tenants were an Indian chief, his wife, and an assistant who drank.

Also, three black tenants and one employee of the *Chicago Tribune* who went to work in his Cadillac and was supposed to take drugs.

Judge Rosenblum beamed and said he would have to appoint Mr. Keenan, receiver, for the building at once.

Hutter told him that is he did that he would appeal that action at once.

But then Hutter foolishly gave Judge Rosenblum an opening. He suggested that a meeting be set up between the building inspectors and him a week before the date the receiver would be in effect when Hutter and his grandson and beneficiary of the Hutter Northern Trust, Ronald Coy, would meet and take notes of progress.

Hutter hurried over to get his coat which was thrown on the floor. He sat down on a chair on wheels and it slipped and threw him on his arm breaking a blood vessel.

When he got to Cuneo Hospital to see his very sick wife, his arm was blue from his hand to his shoulder. It was months before he recovered.

Several days before the proposed meeting, the receiver showed up, took over apartment 201 and for six hours told all the tenants that the building was going to be shut down and they must move at once.

The next day, Hutter and his grandson went down to Judge Rosenblum's courtroom but was told he was out of town. They then went to see the chief judge but he was no help so they went and filed an appeal in the Appellate Court.

They did not know that the day after the receiver did his dirty work, he was discharged.

Hutter continued to go to Judge Rosenblum's court hoping that a settlement could be made.

An auxiliary lighting system was required. Hutter could not find an electrician who knew how to install one, he suggested a current reducer from 120 volts to a 6 volt battery which would provide 20 watt light for about 45 minutes.

Judge Rosenblum said he knew more about electricity than the electrical inspector.

So Hutter and his helper, Loren, installed it. In the meantime, Loren's father, Latham, suffered a stroke and was paralyzed for life.

Another day Judge Rosenblum held Hutter until after court was over and asked him to come to his chambers where Kim Barnes and the alderman's lady were present.

He told Hutter he wanted him to appoint Keenan, the six hour receiver, agent, for the building. Hutter said he would consider.

At a later meeting, he asked Hutter if he had appointed Keenan, agent, for the building. When Hutter said, "no," all

hell broke loose and he took attorney Hutter and a little old lady into custody after again fining him.

Judge Rosenblum got a new law passed. He can fine a victim as much as he wants and then can attack their bank account or put them in jail.

He sent the sheriff after attorney Hutter in Cedar Rapids, Iowa.

If civil rights will not protect a victim like John Hutter and members of his trust from the acts outlined in this brief then civil rights can only be called a fraud.

App. 31

The Gargoyles Still in Front

This article appeared in the Sunday, August 14, 1983, issue of the *Chicago Tribune.*

The shame of Chicago

"For the right price, you could take care of any case in the system." That's how a Downstate judge who worked for federal authorities in an undercover investigation of Cook County courts described what he had discovered. He was shocked not only that judges were for sale but also that they were selling so cheap.

Anyone who is not shocked just may have been around this city too long. The corruption of the judiciary is only one aspect of the routine buying and selling of government influence and favors that has dominated the affairs of Chicago for decades.

Controlling judges has served the exploiters well, a kind of fail-safe device to protect them when their schemes go bad. The price between the parties to the bribe may be small; in fact it may not be money at all, just favor for favor. But the cost to the public is enormous. Corruption hasn't been what makes this city work. It has held Chicago back. It has made this otherwise great and vital city stink.

And yet there is a pervasive public resignation to the sale of office and government influence. Perhaps this is really not so surprising since the practice itself has been so pervasive. If some judges are corrupt, if the political system has operated to enrich insiders, if most Chicagoans have had a brush with the network of extortion that goes by the name of government and have been powerless to resist it, then no wonder people have developed a tolerance for the evil. They may have felt they had nowhere to turn.

But there is not excuse for complacency today. Chicago has a mayor who has been unwilling to cave in to the pressure to get

along by going along. It has an FBI and United States Attorney's office that have shown themselves ready to take on the corrupt centers of power. There is an opportunity now for this city to shake off the bondage of a cynical and greedy system of malfeasance. There is a chance that Chicago can free itself and grow.

Nearly eight decades ago, the journalist Lincoln Steffens published a book about urban corruption called "The Shame of the Cities." He described his purpose this way: "The people: what they will put up with, how they are fooled, how cheaply they are bought, how dearly sold, how easily intimidated, and how led, for good or for evil—that was the inquiry . . . " The shame of the cities then, as now, was not that mean-spirited people were willing to enrich themselves by abusing the public trust. It was that, for a hundred reasons of fear and laziness and hopelessness and comfort, the public allowed its trust to be abused.

It is time now in Chicago to eradicate the shame.

This article appeared in *ALDERMAN SCHULTER REPORTS News, Programs & Services from the 47th:*

HOUSING HIGHLIGHTS

Following is an update on some of the buildings which are currently in the housing court system. If at any time you would like updated information on these or any problem buildings in the 47th Ward you may contact Alderman Schulter's Office at 271-4423.

3526 NORTH MARSHFIELD

This building is owned by Mr. John Hutter, an elderly man who is presently residing in Cedar Rapids, Iowa. The building, which is two doors from Hamilton School (John Hutter went to school there 80 years ago and lived in the building until denied entrance by a receiver,) is in serious disrepair as a result of mismanagement and neglect. Repeated efforts by the Alderman to work with Mr. Hutter in resolving this building's many problems have been unsuccessful. The case presently in court, was filed April 1, of 1986, and is the 4th case for this building in recent years. The building is a five story brick with approximately 30 studio units. As a result of ill health, Mr. Hutter has turned management of the property over to the Haderlein Management Co. on Ashland Ave. Summonses have been served and proof of service have been filed with the court. Because neither the owner or management company have appeared in court, the judge has entered a finding of guilty against Mr. Hutter and a fine of $11,200 and court cost have been assessed. On October 20th, the judge found the owner in default of the ex parte judgment, and a guilty finding was entered against him. The next court date for this building is December 12, 1986, in room 1107 at 9:30 a.m.

Judge Rosenblum used Alderman Schulter and his assistant, Mrs. Weisenmayer, as his agents to bring the fire department to his building.

Also, to have her and Kim Barnes, a representative of the state's attorney, make possible the appointment of six hour receiver, Keenan. (page 12)

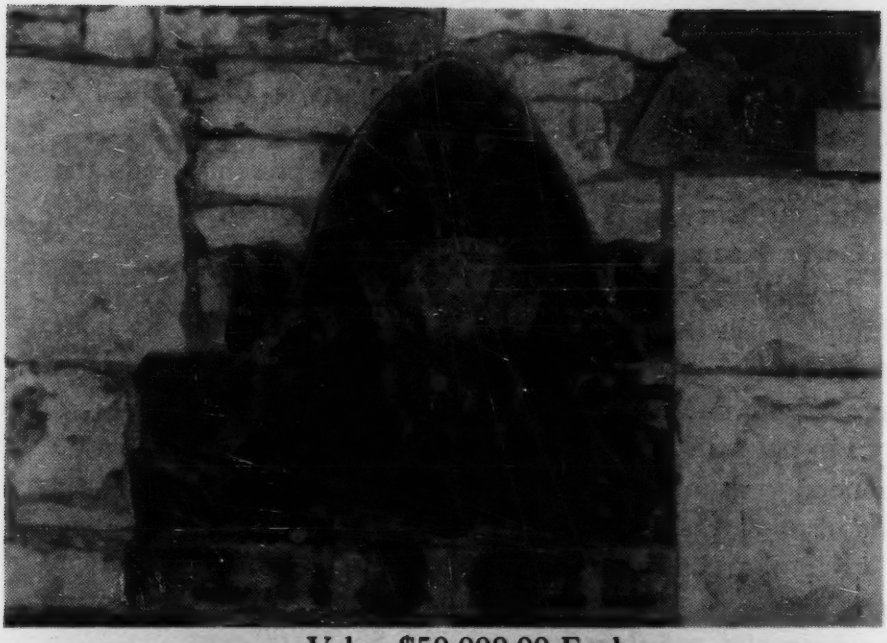
Judge Rosenblum, Mrs. Weisenmayer, and Kim Barnes had Hutter meet in his office to tell Hutter he wanted six hour receiver, Keenan, appointed agent of the building which Hutter did not do. (also page 24)

On page 27, Kim Barnes and Sharon Weisenmayer filed a motion to dismiss the first case before Judge Leinenweber and he dismissed it at once.

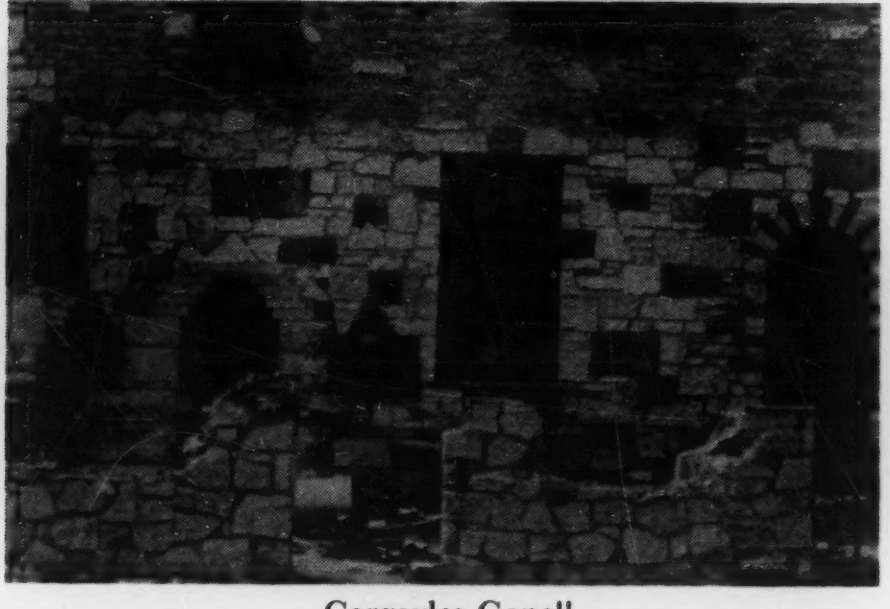
Kim Barnes, a friend from the state's attorney's office, caused the young man who was to rent apartments to rent to undesirables and then abscond with $6,000.00 rent.

The pictures he took of the boiler room have disappeared from the court records; in place is a long document about the building.

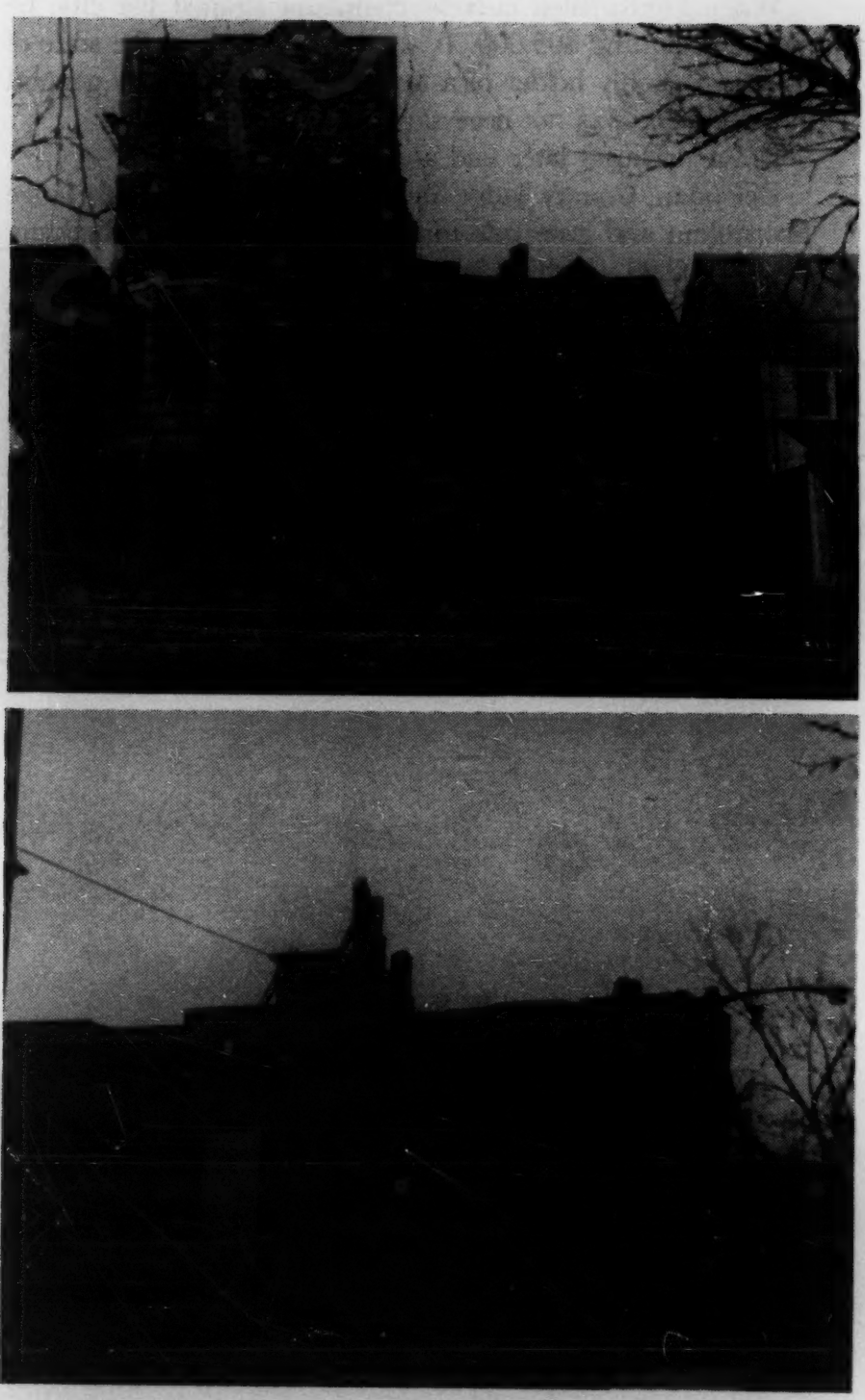
Kim Barnes has now disappeared and no one knows where he is.



Value $50,000.00 Each



Gargoyles Gone!!



When Hutter filed current complaint against the city, he proposed putting $95,000.00 in escrow to protect the state of Illinois, the only holder of a tax claim. The attorney general indicated this was not necessary.

Howard Harris later had a claim for $5,000.00.

Defendant County Judge Yates decided to work with Judge Rosenblum and gave title to Hutter's 36 apartment building for $70,000.00 which he borrowed on the building.

Hutter made motion for Judge Leinenweber to hear objections. After traveling 250 miles, the judge said the day before he gave Harris an extension.

Judge Rosenblum appointed Harris, receiver, and now he has seized the building and claims he owns it.

Attorney Hutter pleads with the Supreme Court to protect his constitutional and civil rights and those of his many beneficiaries.

Respectfully Submitted,

ATTORNEY JOHN HUTTER, JR.
110 25th Street Drive S.E.
Cedar Rapids, Iowa 52403
Phone: 1-319-362-3375
Appearing pro se